

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT LEVANDER

Case No. 2:08-cv-14241

Plaintiff,

Hon: David M. Lawson

-vs-

I.C. SYSTEM, INC., and
JOHN DOE,

Defendants.

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PLAINTIFF'S MOTION FOR LEAVE TO FILE TARDY MOTION IN LIMINE

NOW COMES Plaintiff ROBERT LEVANDER, by and through his attorney and hereby requests leave to file Motion in Limine.

Plaintiff avers that no party will be prejudiced by Plaintiff filing his reply late as the motion is being filed only two (2) days after the deadline.

This Court's December 10, 2008 Scheduling Order will not be affected in any way by the late filing as numerous issues are still pending before this Court relating to similar issues raised in the tardy motion.

Plaintiff's counsel is requesting leave to file the tardy motion due to an inadvertent clerical miscalendaring of the due date for the motions in limine set forth in the Court's December 10, 2008 order.

During last thirty (30) days, Plaintiffs counsel's office upgraded server and software applications throughout the office which caused confusion amongst the clerical staff which may have contributed to the deadline for motions in limine being missed.

The incorrect calendaring of the motion deadline and additional confusion due to server and software upgrades constitute excusable neglect as set forth in Federal Rules of Civil Procedure 6(b).

Pursuant to Local Rule 7.1, counsel for Plaintiff contacted counsel for Defendants on Wednesday, May 13, 2009, seeking concurrence in the relief requested in this Motion and concurrence was denied.

WHEREFORE, Plaintiff requests this Honorable Court grant Plaintiff leave to file a tardy motion in limine, and grant any such further relief as this Court deems just and equitable.

Respectfully submitted

REX ANDERSON PC

May 13, 2009

By: /s/ Rex C. Anderson
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CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2009 a copy of the above document was filed with the Clerk of the Court using the Court's ECF filing system which will send notification of the filing to the following:

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